

MELINDA HAAG (CABN 132612)
United States Attorney

MIRANDA KANE (CABN 150630)
Chief, Criminal Division

KYLE F. WALDINGER (ILBN 6238304)
Assistant United States Attorney

450 Golden Gate Avenue, 11th Floor
San Francisco, California 94102
Telephone: (415) 436-6830
Facsimile: (415) 436-7234
E-mail: kyle.waldinger@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 08-0237 EMC
)	
Plaintiff,)	
)	STIPULATION AND [PROPOSED]
v.)	ORDER RE-SETTING STATUS
)	HEARING DATE
DAVID NOSAL,)	
)	
Defendant.)	

The United States and the defendant David Nosal submit this stipulation and proposed order to continue the November 3, 2011 status hearing to February 22, 2012.

The parties stipulate, and jointly inform the Court, as follows:

1. On or about February 2, 2010, the United States filed its Notice of Appeal in this matter, seeking reversal of the District Court's dismissal of several counts of the Superseding Indictment. At that time, the District Court vacated the trial schedule.

2. Oral argument before a panel of the Ninth Circuit Court of Appeals regarding the United States' appeal was held on February 14, 2011. On April 28, 2011, the Court of Appeals issued an opinion reversing the District Court's dismissal order.

3. On June 13, 2011, the defendant David Nosal filed his petition for rehearing en banc in the Court of Appeals. The United States filed its response to that petition on

STIP. & [PROPOSED] ORDER RE-SETTING STATUS HEARING DATE
CR 08-0237 EMC

1 July 20, 2011. On October 27, 2011, the Court of Appeals ordered that the case be
 2 reheard en banc.

3 4. For these reasons, the parties jointly request that the Court **VACATE** the
 4 November 3, 2011 status hearing, and re-set that hearing for February 22, 2012. If
 5 proceedings terminate in the Court of Appeals before that date, the parties will contact
 6 this Court's deputy clerk to schedule an appearance in the District Court forthwith.
 7 **SO STIPULATED.**

8 DATED: October 27, 2011

MELINDA HAAG
 United States Attorney

10 _____/s/
 11 KYLE F. WALDINGER
 Assistant United States Attorney

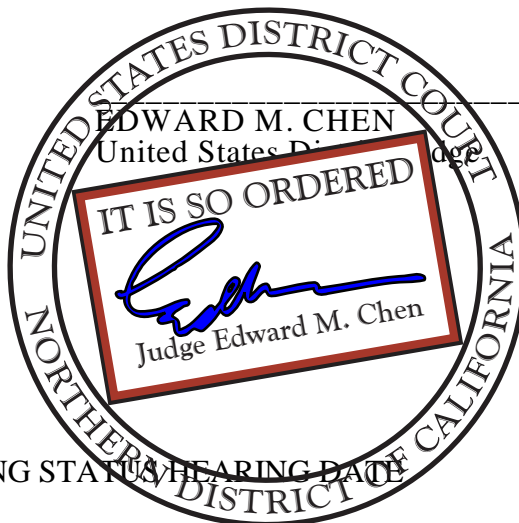
13 DATED: October 27, 2011

14 _____/s/
 15 STEVEN F. GRUEL
 Attorney for the defendant David Nosal

16 **[PROPOSED] ORDER**

17 For the reasons stated above, the parties' joint request that the November 3, 2011
 18 status hearing be vacated is GRANTED. The parties are ORDERED to appear before the
 19 Court for a status hearing on February 22, 2012, at 2:30 p.m. If proceedings in the Court
 20 of Appeals terminate before that date, the parties are ordered to contact this Court's
 21 deputy clerk to schedule an appearance in the District Court forthwith.

23 DATED: _____ 10/31 _____, 2011



28 STIP. & [PROPOSED] ORDER RE-SETTING STATUS HEARING DATE
 CR 08-0237 EMC